

in re application of:

Royan H. Bartley et al.

Date: September 26, 2005

Group Art Unit:

2141

IBM Corporation

Examiner:

Le Hien Luu

Intellectual Property Law

Serial No.:

09/892,424

Dept. 917, Bldg. 006-1

Filed:

June 27, 2001

3605 Highway 52 North

n

Title: APPARATUS, METHOD, AND

Rochester, MN 55901

BUSINESS METHOD FOR ENABLING CUSTOMER ACCESS TO COMPUTER SYSTEM PERFORMANCE

DATA IN EXCHANGE FOR SHARING THE

PERFORMANCE DATA

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Mail Stop AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTOSB08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with 37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(d) after final office action or notice of allowance, but before payment of the issue fee. The certification specified in 37 C.F.R. §1.97(e) follows below.

The petition fee of \$180.00 set forth in 37 C.F.R. §1.17(i) is to be charged to our Deposit Account No. 09-0465.

CERTIFICATION

I hereby certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Steven W. Roth

Date: September 26, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on

September 26, 2005

(Date of Deposit)

Kathiyn Elseth

Respectfully submitted,

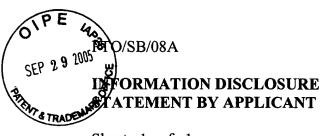
By:

Steven W. Roth, Attorney Attorney Reg. No.: 34,712 IBM Corporation, Dept 917

3605 Highway 52 North

Rochester, MN 55901-7829

Telephone: (507) 253-1600



Sheet _1_ of _1_

Application Number.:

09/892,424

Filing Date:

June 27, 2001

First Named Inventor: Art Unit:

Royan H. Bartley 2141

Examiner Name:

Le Hien Luu

Attorney Docket Number .:

ROC920000298US1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.1	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear
		US – 2002/0147757 A1	10/10/2002	Day et al.	
	 				
	 				
	ļ	··········			
	1				

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.1	Foreign Patent Document Country ³ - Number ⁴ - Kind Code ⁵ Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns or Lines Where Relevant Passages or Figs. Appear	T ⁶
					·	
			·			

Examiner Signature	Date Considered	-

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.